

REMARKS

This Amendment is filed in response to the Office Action mailed May 30, 2007. In this Amendment, claims 23 and 40 are amended, claims 24-28 and 41 are unchanged and claims 29-39, 42 and 43 remain withdrawn. Following entry of this amendment, claims 23-43 shall be pending.

In the Office Action, claims 23-28, 40 and 41 have been rejected based on prior art grounds. For the reasons set forth below, these rejections are hereby traversed.

I. RESTRICTION REQUIREMENT

The Undersigned acknowledges the Examiner's position that the cited species of the restriction requirement of October 17, 2006 would represent an undue burden. It is requested that withdrawn claims 29-39, 42 and 43 be reinstated if the parent claims on which they depend are found to be allowable.

II. REJECTIONS UNDER 35 U.S.C. SECTION 103

Claims 23-28, 40, and 41 are rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 6,231,597 to Deem et al. (*The Deem et al. Patent*). For at least the reasons set forth below, it is submitted that these prior art rejections should be withdrawn and the pending claims allowed.

Turning first to claim 23, this claim as now amended is directed to a device for treating a vascular aneurysm comprising: a support structure sized for placement at a region of said vascular aneurysm; said support structure having a bridge portion spanning at least a neck region of said vascular aneurysm; said support structure having an open, non-tubular arced configuration; said bridge portion including a reactive material, said reactive material being expanded when in a reacted state such that said reactive material restricts flow of blood to said vascular aneurysm when said reactive material is in said reacted state.

The Deem et al. Patent cannot be properly relied upon as making obvious the invention as recited in claim 23. For example, *The Deem et al. Patent* fails to at least show said bridge portion including a reactive material, said reactive material being expanded when in a reacted state such that said reactive material restricts flow of blood to said vascular aneurysm when said reactive material is in said reacted state. *The Deem et al. Patent* discloses a stent 101 that includes a cover 102 that is disposed over a portion of the stent. As stated in Col. 5, lines 49-52 *The Deem et al. Patent*, "cover 102 may comprise a typical graft material, such as polyester or expanded PTFE, and may be applied to an exterior or interior surface of elements 14 using a biocompatible adhesive or sutures." Polyester and expanded PTFE are well known in the art as being generally inert and therefore not reacting within a human body. Further, neither material is capable of being expanded when in a reacted state inside a human body.

Thus for at least this reason, *The Deem et al. Patent* fails to make obvious claim 23. Hence for at least the above reasons, it is submitted that the dependant claims are also novel and unobvious over the cited prior art.

Turning to claims 24-28, these claims depend from claim 23 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

Turning first to claim 40, this claim as now amended is directed to an implant for treating a vascular aneurysm comprising: an implant body sized to reside at a region of said vascular aneurysm; said implant body having an occlusion region that substantially traverses a neck region of said vascular aneurysm; said implant body having an arc shape, said arc shape having a sweep less than 360 degrees; said occlusion region including a reactive material, said reactive material being expanded when in a reacted state such that said occlusion region substantially restricts flow of blood to said vascular aneurysm when said reactive material is in a reacted state.

The Deem et al. Patent cannot be properly relied upon as making obvious the invention as recited in claim 40. For example, *The Deem et al. Patent* fails to at least show said occlusion region including a reactive material, said reactive material being expanded when in a reacted state such that said occlusion region substantially restricts flow of blood to said vascular aneurysm when said reactive material is in a reacted state. *The Deem et al. Patent* discloses a stent 101 that includes a cover 102 that is disposed over a portion of the stent. As stated in Col. 5, lines 49-52 *The Deem et al. Patent*, "cover 102 may comprise a typical graft material, such as polyester or expanded PTFE, and may be applied to an exterior or interior surface of elements 14 using a biocompatible adhesive or sutures." Polyester and expanded PTFE are well known in the art as being generally inert and therefore not reacting within a human body. Further, neither material is capable of being expanded when in a reacted state within a human body.

Thus for at least this reason, *The Deem et al. Patent* fails to make obvious claim 40. Hence for at least the above reasons, it is submitted that the dependant claims are also novel and unobvious over the cited prior art.

Turning to claim 41, this claim depend from claim 40 and thus for at least the above reasons is also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

CONCLUSION


In view of the foregoing, it is submitted that pending claims 23-43 are now in condition for examination.

If for any reason direct communication with Applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is cordially urged to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any additional fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

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